

House Bill Analysis

HB 2995

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February 4, 2000

<p>- Maintains registration requirements regarding apiaries and eliminates much of the apiary program of the Department of Agriculture.</p>

BACKGROUND:

Through the Department of Agriculture's industry apiary program, the director provides regulation and inspection services, assures the availability of bee colonies for pollination, facilitates the interstate movement of honey bees, promotes improved apicultural practices, combats bee pests that pose an economic threat to the industry, and provides education to promote the vitality of the apiary industry.

Registration

Persons owning one or more hives with bees, persons engaged in pollinating agricultural crops using hives owned by another person, and beekeepers from other states who operate hives in Washington must register on or before April 1 of each year. The registration application includes the name, address, and phone number of the individual, the number of colonies of bees owned, brokered, or operated in Washington, and the registration fee as may be prescribed in rule. Those apiarists registered with the department are issued an apiarist identification number, which must be displayed on hives of an apiary.

Inspections

The Department of Agriculture may provide inspection and certification services on a fee for service basis. Apiaries may be inspected for the presence of bee pests. Rules may be used to establish maximum allowable levels for these bee pests and for movement of colonies into or within Washington and to prescribe procedures for inspection, treatment, or other mitigation measures if levels are exceeded. Every person rearing queen bees for sale or use by another apiarist must have each queen rearing apiary inspected. No person may ship queen bees for a queen rearing apiary without a certificate of inspection. Before bees or equipment are brought into the state for any purpose, a certificate of inspection must be secured from the state of origin's department of agriculture. Based on an official inspection, the certificate confirms compliance with Washington's requirements. New equipment without bees is not regulated.

Pollination Service Fee

A fee exists on the use, by agricultural crop growers, of bee pollination services provided by

others. This pollination service fee is 50 cents for each setting of each hive containing a colony that is used by the grower. Revenues from these fees are used in providing services to the apiary industry that assist in ensuring the vitality and availability of bees for commercial pollination services for the agricultural industry.

Hive Impoundment

Hives may be impounded if they are abandoned, contain immovable combs or frames, are constructed in a way that impedes or hinders inspections, or constitute a threat of infestation or infection by a bee pest to bees.

Africanized Honey Bees

Certain conditions exist under which Africanized honey bees may be imported into the state. If Africanized bees or hybrids have been imported into the state under circumstances other than those provided, these bees may be impounded and destroyed.

Apiary coordinated areas

The law allows counties to establish apiary coordinated areas. In these areas, counties set the maximum allowable number of hives per site, the minimum allowable distance between sites, and the minimum required setback from property lines.

Unlawful Acts

It is unlawful under the apiary statutes to wilfully or maliciously kill or injure honey bees in an apiary, alter an official certificate or other inspection document, knowingly import Africanized honey bees, fail to take prompt or sufficient action to control regulated bee pests in excess of limits set in rule, resist, impede, or hinder the director in the discharge of the director's duties, abandon a hive, or maintain a hive with immovable combs or frames constructed in a way to impede or hinder inspection.

Penalties

A person who violates or fails to comply with any of the chapter's provisions is guilty of a misdemeanor for the first offense and a gross misdemeanor for each subsequent offense. If a violation is not punished as a misdemeanor or gross misdemeanor, the director may impose and collect a civil penalty not to exceed \$1,000 for each violation.

Director's Rulemaking Authority and Powers

The director's rulemaking authority includes specifying marking and identification requirements for all hives of bees, establishing requirements for netting and handling of bees in transit, prescribing bee breeding procedures and standards to prevent Africanization and permitting importation, establishing standards for certification of bees, bee hives, and beekeeping equipment, establishing a beekeeper certification program, and establishing fees for inspection or certification services. The director's powers include entering into compliance agreements with persons engaged in apiculture or handling, selling, or moving

hives or beekeeping equipment. For any violation, the director may bring an action to issue an injunction in superior court in the county in which the violation occurs.

Apiary Advisory Committee

An apiary advisory committee advises the director. Its members include six apiarists representing the major geographical divisions of the state's beekeeping industry, the director and a representative from the WSU apiary program or Cooperative Extension, and up to three representatives of receivers of pollination services. The committee meets at least once a year and members are reimbursed for travel expenses.

Other Bee Provisions

Bees are also covered by inspections conducted under the chapter dealing with insect pests and plant diseases.

SUMMARY:

The state apiary program is eliminated except for registration requirements, the apiary coordinated areas, and penalties.

The following must register:

- Persons owning one or more hives with bees;
- Persons engaged in pollinating agricultural crops for a fee using hives that are owned by another person; and
- Apiarists from other states who operate hives in Washington.

The registration application must include the number of colonies of bees to be owned, brokered, or operated in Washington that year, a registration fee prescribed in rule, and any other information the department requires by rule. All money collected goes into an account in the agricultural local fund.

The requirement for an apiary advisory committee becomes optional. Requirements regarding the size of the committee, number of meetings, and reimbursement of travel expenses are removed.

In the chapter addressing insect pests and plant diseases, the definition of "bee pests" is now expanded to include honey bees with undesirable behavioral characteristics such as found in Africanized honey bees.

FISCAL NOTE: Requested

EFFECTIVE DATE: The bill contains an emergency clause and takes effect immediately.

